S.B. Civil Writ Petition No.1638/06
Smt. Sosamma M.C. Vs. State & Ors.
Date of Order : 01/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ashok Bansal, for petitioner

The petitioner while holding the post of Ayurved Nurse, retired from service on attaining the age of superannuation on 28th February, 2004. One of the adverse remark in her APAR of 1997-98 was communicated on 10th May, 1999 and her representation was rejected by the respondents vide order dt.11th June, 2004.

Counsel submits that because of adverse remark, which has attained finality, in her APAR of 1997-98, she was deprived of grant of third selection scale, which became due on 1st December, 2003. In my opinion, the grievance which the petitioner has raised, is appealable and is a service matter u/s.2 (f) of the Act of 1976.

Consequently, the writ petition is dismissed on availability of alternative remedy of appeal before the Tribunal. However, if such appeal is preferred, the Tribunal may consider the same.

[Ajay Rastogi],J.

FRB